

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

CRP.No. 364 of 2007(C)

**AGAINST THE ORDER IN E.A.15/06 IN EP 46 2004 IN
LAR.85/1994 of I ADDL.SUB COURT,ERNAKULAM**
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REVN. PETITIONER: PETITIONER/DECREE HOLDER/CLAIMANT.

- 1. LONAPPAN URUMESE(DIED), S/O. LONAPPAN,
THALIYATH HOUSE, PUTHENPALLY, VARAPUZHA.**
- 2. LONAPPAN ANTONY, S/O. LONAPPAN,
THALIYATH HOUSE, PUTHENPALLY, VARAPUZHA.**

**BY ADV. SRI.JOSEPH A.VADAKKEL
SRI.GEORGE KARITHANAM VARGHESE
SRI.V.J.JOHN
SRI.C.I.ABRAHAM
SRI.JOSE KURIAKOSE (VILANGATTIL)**

RESPONDENT/RESPONDENT/JUDGMENT DEBTOR/RESPONDENT:

STATE OF KERALA REP. BY DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. BINDU R.

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

M.N. KRISHNAN, J.
= = = = =
C.R.P. NO. 364 OF 2007
= = = = =
Dated this the 23rd day of May, 2007.

O R D E R

This revision is preferred against the order in E.A.15/06 in E.P.46/04. The contention raised by the revision petitioners are that since the original decree has been executed and subsequently an appellate decree has been passed, the Appellate decree has to be executed independently. It is a well settled principle that when a decree is passed and it is challenged in appeal and the Appellate Court passes a decree, the trial court decree merges with the Appellate Court decree and there can be only one executable decree namely appellate decree. The learned Subordinate Judge has only recorded that finding precisely and it is correct and in accordance with law. The order passed by the Subordinate Judge does not suffer from any illegality or irregularity. The C.R.P. therefore lacks merit and the same is dismissed.

M.N. KRISHNAN, JUDGE.

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